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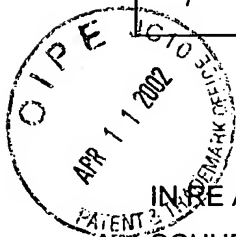
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Ama
3/A

IN RE APPLICATION OF
SCHUPP ET AL.

APPLICATION NO: 10/042,665

FILED: JANUARY 9, 2002

FOR: RIFAMYCIN BIOSYNTHESIS GENE CLUSTER

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

IN THE SPECIFICATION:

Page 1, after the Title, insert: -- This is a continuation of Ser. No. 09/242,744, March 24, 1999,
A1 pending, which is a 371 of PCT/EP97/04495, August 18, 1997. -- .

Entry of the following amendment is respectfully requested.

IN THE CLAIMS:

Delete claims 1-14. Add the following Claims 24-30.

A2 -- 24. A DNA fragment from the genome of *Amycolatopsis mediterranei* comprising the DNA region involved in the gene cluster responsible for rifamycin synthesis, and which by reason of its function in connection with rifamycin biosynthesis, qualifies as a constituent of the rifamycin gene cluster, which is SEQ ID NO 1 or SEQ ID NO 3 or at least 15 consecutive nucleotides therefrom.

25. A DNA fragment according to claim 24, wherein said fragment comprises a nucleotide sequence selected from the group consisting of ORF A, B, C, D, E, F, and functional fragments